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SUMMARY RECORD OF THE 1101st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 August 1995, at 10 a.m.

Chairman: Mr. GARVALOV

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4)

Thirteenth periodic report of Belarus (CERD/C/263/Add.4)

1. At the invitation of the Chairman, Mr. Ivanou and Mr. Mikhnevich (Belarus) took seats at the Committee table.

2. Mr. IVANOU (Belarus) said he would highlight the salient points of the report. Many changes had taken place in public life and society in Belarus over the past few years, including the adoption of the Constitution and the election of the first President of the Republic. He drew the Committee's attention to article 8 of the Constitution of the Republic of Belarus, quoted in Part I of the report. It was also worthwhile noting that upon his election one year previously the President of Belarus had declared himself guarantor of human rights and freedoms as the highest human values.

3. As to the implementation of article 2 of the Convention described in Part II of the report, an Act On National Minorities in the Republic of Belarus had been adopted on 11 November 1992. It prohibited any restriction of the rights and freedoms of citizens on the grounds that they belonged to a national minority, as well as any attempt to assimilate them against their will. Such legislation was reinforced by article 71 of the Criminal Code of the Republic of Belarus. However, during the reporting period - from 1988 to 1 July 1995 - no cases of criminal proceedings for such offences had been recorded.

4. In connection with article 3 of the Convention, it should be noted that on 9 October 1992 the Republic of Belarus had signed an agreement in Bishkek with the countries of the Commonwealth of Independent States (CIS) on matters connected with the restoration of the rights of deported persons, national minorities and peoples. Under the agreement, citizenship was now determined on the basis of national legislation, taking into account the provisions of bilateral agreements and international law. The agreement also envisaged the payment of pensions to citizens, regardless of where their pension entitlement had arisen. A series of legislative and other measures were envisaged in Belarus in order to protect that right.

5. In compliance with article 4 of the Convention, a number of articles in the Criminal Code provided protection against any incitement to racial discrimination and ensured the equality of all persons before the law. Furthermore, universal suffrage and the right to be elected to the organs of State and to hold public office in Belarus were guaranteed by the Constitution. Such rights had been upheld during the elections to the Supreme Council of the Republic of Belarus held in May and June 1994, as testified by international observers sent to monitor the proceedings. The basic principles of the Convention were taken into account in the country's migration policy. Regulations on the status of refugees were currently being drafted and, pending their completion, the State provided the necessary legal and material assistance for such persons. Progress was also being made on the Act on Freedom of Religion and Religious Organizations, mentioned in the report.

6. The requirements of the Convention were also reflected in Belarusian labour legislation. Accordingly, article 6-1 of the Code of Labour Laws prohibited discrimination in employment and in work relations on grounds of nationality, sex, race, language, religious or political views. The provisions of the Code were reinforced by the act on the Employment of the Population of the Republic of Belarus, which had come into force on 1 January 1993. Persons who violated that legislation were liable to administrative and criminal proceedings.

7. The rights enshrined in article 5 of the Convention were guaranteed by the Act on Trade Unions, the National Housing Programme and other legislative instruments on health protection, pensions, social security for the disabled, and the rights of children and young people. A number of government programmes were currently being organized in order to facilitate the implementation of some of the latter legislation.

8. In the part of the report relating to article 7 of the Convention, mention was made of a number of Acts relating to the right to education, culture and access to information. The Government was currently taking steps to ensure the practical implementation of such legislation by, inter alia, earmarking funds in the national budget for the development of educational and cultural amenities for national minorities. The development and use of all national languages were promoted by the State and provision was also made for education in the mother tongue. In that connection, it was worthwhile noting that, on the initiative of the President of the Republic, a national referendum had been held in May 1995 on whether both Russian and Belarusian should become official languages. The State now provided financial assistance for the development of private educational establishments. Efforts were also under way on a number of fronts to provide an organizational framework for the cultural development of national minorities. A decision would soon be taken on the creation of a public council of representatives of all national minorities with the aim of depoliticizing community organizations and resolving cultural development problems.

9. In spite of the difficult economic situation, the Government still managed to support the national press and media, and the Supreme Council was currently completing its second reading of draft legislation on the subject. Plans for the development of the information sector in the Republic of Belarus had now been finalized; in accordance with those plans Belarus would adhere to the "Free Press Charter" and be guided by its principles.

10. Mr. DIACONU (Country Rapporteur) said that his comments related to document CERD/C/263/Add.4, and also previous reports submitted to the Committee and other human rights bodies. When assessing the efforts of Belarus to implement the provisions of the Convention, it was essential to bear in mind the fact that it was a country in transition, with all the problems that entailed. In that respect, he welcomed the radical improvements made to the legislative framework and judicial system, in particular regarding the status of international law vis-à-vis domestic legislation. However, he was somewhat puzzled by the remarks in part I of the report regarding the function of the Constitutional Court of the Republic of Belarus. International treaty obligations must be fulfilled and the Constitution could not be invoked to override them.

11. Of special interest to the Committee was the scope of the various legislative instruments relating to national minorities, the use of languages and culture. Likewise, cultural agreements with neighbouring countries indicated a positive approach and complemented national efforts in such areas. Also worthy of note were efforts being made in the field of education, and especially those aimed at persons involved in implementing new legislation, in a spirit of respect for human rights, equality and non-discrimination. As a reaction to the problems of contemporary society, there was an understandable resurgence of nationalist feeling in Belarus. The return to cultural and linguistic traditions was a positive trend, which should be encouraged. All things considered, Belarus seemed to be moving in the right direction.

12. However, the assessment of the report was made difficult by the dearth of concrete information on the practical implementation of new legislation and development of the education system. For instance, no precise information was given on the numbers and composition of the many minorities in the country. More information had been provided in reports submitted to other United Nations bodies. A report submitted in December 1992 to the Committee on Economic, Social and Cultural Rights indicated that 80 per cent of the population were Belarusian, while information given to the Human Rights Committee in the same year referred to some 77 nationalities and 4 sizeable minorities, including some 700,000 Jews. The latter would seem to constitute a far larger minority group than any other mentioned in the report of the Committee on Economic, Social and Cultural Rights. The Committee must have more accurate information in order to ascertain whether such factors were duly reflected in national legislation. Further details on the practical implementation of article 10 of the Act on the Use of Languages in the Republic of Belarus would also be welcome. Did the national education system take minorities into account? Were textbooks published in minority languages? How many other books had been published in those languages in recent years?

13. Referring to observations made in the report regarding political rights, he inquired to what extent the Russian, Polish, Jewish and Ukrainian minorities were represented in the Supreme Council and local government and administration, particularly in areas with minority populations. Mention had been made in the report of cultural associations, but did the minority groups also have their own political parties? In connection with the Bishkek agreement the fact that deportees who voluntarily returned to their former place of residence at the time of their deportation enjoyed the same rights as those who had lived there permanently was not satisfactory, given that the legislation that had authorized their forcible resettlement had been declared unlawful. Moreover, there was a subsequent reference in the part of the report on article 4 to compensation for the victims of political repression. Surely forcible resettlement was tantamount to political repression and its victims should also be eligible for compensation, at least to enable them to return to their homes.

14. The comments contained in the report on article 71 of the Criminal Code gave the impression that it was consistent with article 4 of the Convention. However, on closer examination, it became clear that there was no ban on organizations which engaged in propaganda activities that incited racial discrimination. Information given in connection with article 3 of the

Convention indicated that such activities were banned, but not the organizations involved, and since the Act on National Minorities did not come under criminal legislation, the members of such organizations were not liable to penalties.

15. It would seem that the Republic of Belarus needed to review its legislation in order to bring it more closely into line with the provisions of the Convention, in particular those of article 4, on which the report was unclear. He would also welcome more information on the precise role and duties of the proposed public council of representatives of all national minorities. In conclusion, he reiterated the need for more detailed and meaningful information which would allow the Committee to make a more accurate assessment of the implementation of new legislation and make recommendations as necessary. He hoped that the next report submitted by the Republic of Belarus would provide all the answers to his questions.

16. Mr. WOLFRUM said it was unfortunate that the report lacked any demographic information. Some of that information could be gleaned from other documents and the list of registered groups, on page 15 of the report, to some extent reflected the country's demographic composition, but there was no indication of the relative strength of the minority groups or any precise figures.

17. On the question of the invocation of obligations under international law in the courts of Belarus, he was puzzled by the statement, on page 4 of the report, "If the Court finds that they" (meaning international treaty obligations as well as national laws) "violate human rights and freedoms, it has the right to declare them to have been legally invalid in whole or in part from the time of their adoption". Clearly, the Constitutional Court had no right to declare an international treaty invalid and the question of how far international human rights treaties could be directly invoked before the Belarusian courts was left unanswered.

18. There was a reference on page 5 of the report to an Act on National Minorities in the Republic of Belarus. The title was interesting, but there was little information on the content of the Act or the extent to which it had been implemented. He would welcome information on its implementation in practice through references to court decisions. There was also a mention in the report of an agreement, concluded on 9 October 1992, on matters connected with the restoration of the rights of deported persons. The report indicated merely that such persons had the right to return and to enjoy the same rights as those who had never left. It was not clear whether people who wished to return received any assistance. Their return must be voluntary, but it was not stated whether anything would be done to mitigate the negative impact of their original deportation.

19. Although freedom of religion was not directly dealt with in the Convention, it would be useful to have more information on the content of the Act on Freedom of Religion and Religious Organizations, referred to on page 9, and its relevance in practice to the equality of citizens in all fields of life. The statement, on page 15 of the report, that consideration was currently being given to the creation of a public council of representatives of all national minorities, to be entrusted with the task of depoliticizing

community organizations, was also puzzling. Did it imply that minority groups were, or should be, restricted to cultural activities? He asked whether it was possible to form political parties or other organizations in Belarus on the basis of ethnicity. His impression was that it was permitted in the case of private organizations, but he would like to know the position in regard to political parties.

20. Many neighbouring countries of Belarus, for example Poland, Romania and Hungary, had concluded friendship agreements and agreements on the protection of minorities with their neighbours. Such agreements served a very important purpose and were fully in accordance with the mandate of the Convention. They could help to resolve some of the difficulties which had arisen from the new boundaries in those areas. He asked whether Belarus had concluded any such agreement, if so, with which neighbouring countries, and if not, why not. He felt that it was important that Belarus should do so. Lastly, he would like some information on the policy regarding citizenship of Belarus. Was there any language test which persons must undergo before acquiring citizenship?

21. Mr. VALENCIA RODRIGUEZ said that the thirteenth periodic report of Belarus currently under consideration was a consolidated report that contained replies to several of the questions raised by members of the Committee during the consideration of the tenth periodic report. The importance of article 8 of the Constitution of the Republic of Belarus, whereby the Republic recognized the priority of generally recognized principles of international law and undertook to ensure that its legislation was consistent with them, should be stressed. That provision, taken together with the principle of equality before the law, formed the legal basis on which the implementation of the Convention in Belarus rested. In that context, the statement on page 4 of the report that the Constitutional Court of the Republic of Belarus had the right to declare legally invalid laws and international treaty obligations not in conformity with the Constitution and with the international legal instruments ratified by the Republic of Belarus needed some explanation. It did not appear from the information provided that there had been any case in which a national law had been declared invalid as being incompatible either with the Constitution or the Convention.

22. Under the heading of article 2 of the Convention reference was made to the Act on National Minorities in the Republic of Belarus adopted on 11 November 1992. It would be useful to have more information on implementation of that Act in the specific field of the elimination of racial discrimination. In connection with article 3, reference was made to the Bishkek agreement which condemned the former practice of forcibly resettling peoples, national minorities and individual citizens of the former USSR as contrary to the principles of common humanity. The question of the practical results of the implementation of that agreement was partly answered by the information on article 3, but it would be useful to learn what measures, if any, had been taken to promote the voluntary return of deportees.

23. Much of the information on article 4 seemed more closely related to article 5 of the Convention. More details were desirable regarding the scope of the Criminal Code of the Republic of Belarus, in particular its article 71, with regard to the obligations assumed by Belarus under article 4. Did the mass repression of the 1920s-1980s referred to in the report include cases of

racial discrimination? It was his impression that the basis had been chiefly political. In connection with article 6 of the Convention, while there was no reference to actual cases of complaints against unlawful actions by State bodies or officials, he took it that the courts did have the right to deal with any complaint lodged under the provisions of that article.

24. In connection with article 7, he welcomed the reference to the attention being given in schools to the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination.

25. The report contained a considerable amount of information about the promotion of culture and the right of minority groups to establish cultural organizations and associations. He noted that 11 such groups were currently registered in the Republic of Belarus. It would be useful to have more information on their activities, especially any arrangements for encouraging cooperation between them. With regard to information policy, he asked what arrangements there were for broadcasting television and radio programmes in the various languages of the national minorities living in Belarus.

26. Mr. de GOUTTES said that, in his remarks on the general context within which the Convention was implemented in Belarus, the Country Rapporteur had stressed the profound changes that were taking place. Some of those changes, such as the development of organized crime following the advent of a market economy, could have serious effects on the situation of the population. It would be useful, therefore, to have more information on the general context within which the Convention was being implemented

27. Turning to part II of the report containing detailed information on the implementation of articles 2-7 of the Convention, he said that he had not found the information provided on the legislation prohibiting racial discrimination sufficient to determine whether Belarus was complying fully with the provisions of the Convention. The report did refer to article 71 of the Criminal Code, which prohibited propaganda aimed at inciting racial discord, as well as restriction of the rights of citizens or the establishment of privileges on the grounds of race or nationality, and to article 6-1 of the Code of Labour Law, which prohibited discrimination in employment and in work relations on grounds of nationality, sex, race or language. However, the Convention required the prohibition and punishment of all forms of racial discrimination. He had been surprised to note that no cases of criminal proceedings for offences under article 71 of the Criminal Code had been recorded so far. The Committee had had occasion to remark that the absence of such cases frequently reflected a lack of information on the part of the population regarding their rights and the remedies open to them, and also insufficient attention by the legal authorities to that type of offence. He stressed the importance that the Committee attached to information about criminal proceedings brought on grounds of racial discrimination, which it regarded as a test of the effective implementation of the Convention.

28. According to a report on human rights by the State Department of the United States of America which had been circulated to the members of the Committee, the right to effective protection and remedies through national

tribunals and State institutions was not fully assured in Belarus. That report suggested that the courts were not wholly independent and that magistrates and judges could be subject to certain pressures. He would like to hear further details from the representatives of Belarus on that point.

29. In connection with article 7, he would like to hear how due attention was given in the educational and teaching process to the purposes and principles of the Charter of the United Nations and the International Convention on the Elimination of All Forms of Racial Discrimination. It was further claimed under that heading that the State of Belarus was involved in promoting the free development and use of all national languages used by the inhabitants of the Republic. He would like to know which languages were being actively promoted by the authorities.

30. Mrs. SADIQ ALI asked for clarification of the statement, on page 6 of the report, that the application of coercive measures of a medical nature to persons who were mentally ill was a matter which the courts alone were competent to decide. She would like to know how many people had gone to court over such instances and whether they had been members of minorities. She would also like to know how many cases had been brought in connection with the restoration of the rights of deportees, whether any concrete action had been taken, and whether the persons concerned had been members of national minorities. She would also like to hear more about the National Housing Programme referred to under article 5. Given the large number of minorities in Belarus, it would be interesting to learn whether any action had been taken to encourage integrationist multiracial organizations and movements, as referred to in paragraph 1 (e) of article 2 of the convention, in order to bring the minorities together and make them feel they were all part of one country. In connection with article 7, she asked whether any measures had been taken by the State to provide training for teachers, magistrates and police officers in order to sensitize them to racial discrimination and help them to combat it.

31. Mr. SONG Shuhua asked how the Act on National Minorities in the Republic of Belarus, adopted on 11 November 1992, differed from previous laws and decrees on that question and what provisions there were to penalize any breach of its provisions. He noted that it was stated, under article 2 of the Convention, that article 71 of the Criminal Code of the Republic of Belarus, prohibiting propaganda aimed at inciting racial discord, was a preventive measure. Did the fact that, according to the report, no cases of criminal proceedings for such offences had been recorded in Belarus from 1988 to the present mean that it had indeed acted as a preventive measure? It would be useful, in order to supplement the information given regarding the right to take part in elections and to be elected, under article 4 of the Convention, to know the proportion of minority members elected. Were there any autonomous regions of Belarus? In connection with the regulation of employment, as referred to on page 10 of the report, he would like an explanation of the phrase "fit to work". In connection with complaints against unlawful actions by State bodies and officials, referred to under article 6 of the Convention, he asked what penalties were laid down for officials who violated the law. On the question of the resettlement by force of peoples, national minorities and individual citizens of the former Soviet Union, referred to under article 3 of

the Convention, he asked what progress had been made in restoring the rights of deported persons and national minorities, and what steps had been taken to resettle and rehabilitate them.

32. Mr. CHIGOVERA said that article 71 of the Criminal Code appeared to be consistent with the provisions of article 4 (a) of the Convention, but not with article 4 (b). He therefore asked the delegation of Belarus for information on any measures that had been taken to implement article 4 (b). The report gave no indication of how or whether steps had been taken to prevent public authorities or institutions from promoting or inciting racial discrimination or whether public officials received any training to ensure that they did not encourage racial discrimination by deed or word. The report also failed to provide information on the implementation of article 6. It gave details of judicial structures and facilities, but did not elaborate on the kinds of remedies available to victims of racial discrimination.

33. Mr. SHERIFIS said he assumed that the statement on page 3 of the report that "All citizens of the Republic of Belarus are equal before the law" meant that all citizens therefore enjoyed the right to vote and to be elected to State legislative and executive bodies. He would welcome details of whether there was a quota system in operation to ensure the representation of ethnic groups and minorities.

34. The tenth periodic report (CERD/C/172/Add.15) had been submitted under vastly different circumstances in Belarus and had emphasized the right to housing, which was perfectly justified given the severe housing shortage at the time. Details on what had been done to realize such a fundamental right should be provided.

35. The present report (CERD/C/263/Add.4) gave a list of the national minorities' unions and groups registered in the Republic of Belarus. However, additional information on them, including statistics and a breakdown of the population and ethnic minorities, would be useful.

36. The tenth periodic report had reflected the hopes that had been raised by perestroika and glasnost. He asked if those hopes had been fulfilled and how far the Republic of Belarus had reached the goals that had been set at the time, particularly in areas covered by article 5 of the Convention.

37. Mr. van BOVEN commended the oral introduction of the report and the spirit of dialogue that had been established with the Committee. The report provided an interesting insight into the situation in Belarus, which was in the midst of a process of economic and social transition. However, the report was somewhat deficient in that the information relating to article 4 of the Convention should have been included in the section on the implementation of article 5. Similarly, its coverage of the legal situation was far more detailed than the factual information provided on nationalities or minorities. Furthermore, much of the information given had no relevance to the scope of the Convention. However, it was pleasing to note that information on the restoration of the rights and rehabilitation of victims of past repression had been included.

38. Article 71 of the Criminal Code was mentioned in the report as the legal provision ensuring implementation of article 4 of the Convention. However, it seemed that article 71 had never been invoked to prosecute persons accused of inciting or promoting racial discrimination. Nor was there any case-law in existence in Belarus relevant to the implementation of the Convention. He requested clarification on those points.

39. On article 5, the report provided less information than the tenth periodic report (CERD/C/172/Add.15). There also seemed to be an error in the final paragraph of that section, which mentioned equality of all persons before the law and went on to cite apparently irrelevant instruments such as the Act on Trade Unions in support of the statement. An explanation, and additional information, should be provided.

40. With regard to article 6 of the Convention, it was commendable that citizens of Belarus could lodge complaints with the courts against actions by State bodies and officials. However, did citizens also have the right of recourse to complaint procedures at the international level under the Optional Protocol to the International Covenant on Civil and Political Rights? He also requested information on whether Belarus was willing to accept the complaint procedure provided for under article 14 of the Convention.

41. In respect of article 7, the Republic of Belarus had made great strides in promoting the culture of national groups and minorities. However, the statement that "the State is involved in promoting the free development and use of all national languages used by the inhabitants of the Republic" was slightly worrying in that under international instruments, including the International Covenant on Civil and Political Rights, States should not interfere in the affairs of ethnic, linguistic or religious minorities. There was also a danger in so far as measures to help minorities and nationalities must apply equally to all groups, for fear of discriminating against certain groups. He therefore asked if assistance was provided on a non-discriminatory basis.

42. Turning to implementation of article 8, paragraph 6, he asked whether Belarus would consider accepting the amendment to provisions on the financing of the Committee, whereby expenses would no longer be borne by States parties but covered by the regular budget. Finally, Belarus should consider withdrawing at least some of its reservations to the Convention, which harked back to the cold-war period.

43. Mr. ABOUL-NASR noted that the report stated that Belarus would in no circumstances "encourage, protect or support any person or group of persons advocating racial discrimination", in accordance with the provisions of article 2 of the Convention. He asked what that meant in practice. He requested information on the Government's position on the war crimes and crimes against humanity being committed by the Serbs in Bosnia and Herzegovina, and asked if a statement condemning the atrocities had been issued.

44. Mr. RECHETOV said that the opportunity to conduct a dialogue with a delegation from Belarus was particularly gratifying in view of the failure of many other States parties that had previously formed part of the Soviet Union

to comply with their obligations under the Convention. Belarus deserved credit for the fact that its transition to democracy and a multiparty system was proceeding without serious ethnic tension or strife of the kind that had developed in almost every other former republic of the Soviet Union. Although Belarus had been a Member of the United Nations as the Byelorussian Soviet Socialist Republic, its reports to the Committee at that time had conformed very closely to those of the Soviet Union. It was currently developing its own characteristic approach to implementation of the instruments to which it was a party.

45. He agreed with other members of the Committee that the report failed to provide sufficient information on the ethnic composition of the population. The statement in the report of Belarus to the effect that no criminal proceedings had been instituted for such a long period in connection with nationalist or other forms of intolerance might reflect not only a relatively favourable situation in Belarusian society, but also insufficient awareness of existing possibilities for the defence of human rights and insufficient activity on the part of the relevant machinery.

46. Noting that the period covered by the report had begun in 1988, he expressed the hope that Belarus would in future submit its reports, as required by the Convention, every two years. He urged Belarus to recognize the competence of the Committee under article 14, paragraph 1, of the Convention to receive and consider complaints from individuals. The Committee was also interested in hearing the views of States parties concerning the recent amendments to the Convention.

47. He agreed with Mr. van Boven that States parties should be encouraged to review their reservations to the Convention in order to withdraw those that had become obsolete and were impeding its implementation.

48. Mr. BANTON said that the report of Belarus had mentioned legislation to protect citizens against unlawful actions by State bodies and officials. The Convention, however, required under article 2, paragraph 1 (d), that everyone resident in the country should be protected against such actions by any persons, group or organization. The same applied to the economic, social and cultural rights referred to under article 5.

49. Article 2, paragraph 1 (e), required States parties to encourage integrationist multiracial organizations. It was important to draw a distinction between such organizations and the bodies referred to under the heading "Culture" in the report, which seemed to be engaged in preserving cultures deriving from homelands outside Belarus. Were there any organizations in Belarus that could be identified as integrationist? If not, was the Government taking steps to encourage the establishment of such bodies? Integrationist organizations would tend in the long run to be allies of the Government in the implementation of the Convention, but in the short run they might serve as irritants, drawing the Government's attention to shortcomings in its policies or their implementation. When such bodies discovered patterns of discrimination, they should be able to publicize their findings and in that connection he was somewhat concerned, like Mr. Wolfrum, at the reference to

full depoliticization of community organizations. The pursuit of such a policy might impede the exercise of inalienable political rights. Integrationist organizations could also be consulted when periodic reports were being prepared and informed of the results of a State party's dialogue with the Committee.

50. Mr. SHAHI observed that the transition from a totalitarian regime to a pluralist society and a market economy inevitably entailed a certain amount of incoherence in a country's internal situation and its Government's policies. In those circumstances, the report of Belarus was to be commended, although it fell short on compliance with the Convention.

51. He was particularly concerned about the protection of minorities and the restoration of the rights of those who had been repressed between the 1920s and the 1980s. The report had not provided sufficient information on the constituent nationalities of Belarus. How many were there and what were their names? He also wished to know whether members of minorities held positions of high responsibility in, for example, the administration, the legislature or the judiciary. Were there any statistics concerning the rehabilitation and compensation of repressed persons, for example victims of enforced psychiatric treatment? How were the provisions of the Bishkek agreement concerning the restoration of the rights of deported persons and national minorities being implemented?

52. In addition to combating racial discrimination at home, it was important for States to take an appropriate stand on ethnic cleansing and genocide abroad, resolutely condemning regimes that perpetrated such crimes against humanity and withholding all support from them.

53. The CHAIRMAN, speaking in a personal capacity, said that the report of Belarus presented a relatively clear picture of where the country stood with respect to its obligations under the Convention. He could well appreciate from his own experience the problems of a country in transition. If the Committee made allowances for such difficulties in the early stages of restructuring, it would be all the more justified in adopting a tougher approach later on.

54. He fully agreed with other members of the Committee that compliance with article 9, paragraph 1, of the Convention regarding the regular submission of reports was of the greatest importance.

55. He gathered from the report that no one could require a citizen of Belarus to state his or her national origin, either orally or in writing. He could understand the purpose of such a provision if there was a danger of the information being used to jeopardize an individual's human rights, but there were cases where individuals might benefit from being listed as belonging to a particular ethnic group. How could the composition of the population be known if people were not required to answer questions concerning their ethnic origin?

56. Several other members of the Committee had drawn attention to the statement in the report that no cases of criminal proceedings had been recorded for offences under article 71 of the Criminal Code of Belarus, which prohibited propaganda or agitation aimed at inciting racial or national enmity or discord. He was not convinced that there were sufficient legislative, judicial or even administrative guarantees for the citizens of Belarus to feel free to file a complaint in a court of law charging racial discrimination against them.

57. It was disturbing to note that a number of States parties that had belonged to a particular geopolitical grouping in the past were on record as maintaining reservations under article 17, paragraph 1. He felt that Mr. van Boven's plea to Belarus to withdraw its reservation under that paragraph should be extended to include the other States parties concerned.

The meeting rose at 12.50 p.m.